

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Amendment of Part 90 of the)	
Commission's Rules and Policies)	WT Docket No. 01-146
For Applications and Licensing)	RM-9966
Of Low Power Operations in the)	
Private Land Mobile Radio)	
450-470 MHz Band)	
)	

Reply Comments
of the
Industrial Telecommunications Association, Inc.

On July 24, 2001, the Commission released a *Notice of Proposed Rule Making*¹ seeking comment on the proposals set forth by the Land Mobile Communications Council in its September 11, 2000, Petition for Rule Making.² On October 12, 2001, the Industrial Telecommunications Association, Inc. (ITA) and several other interested parties filed comments.

On 1997, the Commission issued a *Second Report and Order* in the refarming proceeding wherein it directed the frequency advisory committees (FACs) to develop an industry consensus plan for low power operations in the 450-470 MHz band.³ In June of 1997, the LMCC submitted its low power pool plan.⁴ On June 29, 2000, the Wireless

¹ See In the Matter of Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450-470 MHz Band, *Notice of Proposed Rule Making*, WT Docket 01-146, RM-9966, FCC 01-1999, rel. July 24, 2001 (NPRM).

² See Land Mobile Communications Council Petition for Rule Making (RM-9966), filed Sept. 11, 2000 (Petition).

³ See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Service and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services, PR Docket No. 92-235, *Second Report and Order*, 12 FCC Rcd 14307 (1997).

⁴ See Letter from Larry Miller, President, LMCC, to Daniel Phythyon, Acting Chief, Wireless Telecommunications Bureau, Federal Communications Commission, dated June 4, 1997.

Telecommunications Bureau issued a Public Notice adopting the LMCC's consensus plan, but failing to accept the proposed use designations.⁵ The LMCC subsequently filed its Petition for Rule Making seeking the use designations originally proposed in the LMCC consensus plan. In the instant proceeding, the Commission seeks comment on that Petition.

Virtually all of the commenters previously filing supported the LMCC's position regarding the need for the creation of the low power pool and the various suggested use designations within that pool.⁶ There were, however, several comments filed requesting that the Commission provide a protected service area for data transmissions throughout the 450-470 MHz band in order to allow data for continuous data operations on a primary basis. ITA hereby submits these "Reply Comments" in order to further clarify its views to the Commission on the matter of data transmissions.

Motorola and UTC state that, since the original filing of the LMCC's low power pool plan, an increasing number of users have begun to rely upon data and digital technologies, rather than traditional voice systems.⁷ They further note that, under current Commission rules, private mobile data systems and conventional digital systems are not afforded the same treatment as digital voice and mobile data systems and

⁵ See Wireless Telecommunications Bureau Accepts LMCC Low Power Plan for Part 90 450-470 MHz Band, *Public Notice*, DA 00-1359 (rel. June 29, 2000).

⁶ Comments of the American Mobile Telecommunications Association, Inc. at 1; Comments of the American Water Works Association at 2; Comments of the Association of American Railroads at 2; Comments of the Central Station Alarm Association at 1; Comments of Enlasys Corporation at 1; Comments of Hexagram, Inc. at 1; Comments of Motorola, Inc. at 1; Comments of Pacific Crest Corporation at 1; Comments of the PCIA at 2; Comments of the Toro Company at 1; Comments of Trimble Navigation Limited at 1; Comments of the United Telecom Council (UTC) at 2.

⁷ See Comments of Motorola, Inc. at 3 ("Users are increasingly dependent upon data and digital technologies . . ."); Comments of UTC at 6 ("Data use in general has been growing in recent years.").

suggest that the Commission modify section 90.187 of its rules to permit such systems to obtain a protected service area.⁸

ITA agrees with its colleagues at Motorola and UTC that the environment has changed since the LMCC originally proposed the low power pool and that data use is much more prevalent today than it was four years ago. ITA also concedes that protected service area contours may be the appropriate coordination methodology through which to permit continuous data transmissions on a primary basis. ITA does, however, concur with the LMCC's position that the matter should be deferred until the frequency advisory committees (FACs) have had an opportunity to fully consider and discuss the best protocols for establishing the appropriate coordination standards in order to achieve this goal.⁹ To that end, ITA suggests that the Commission task the FACs with developing the coordination guidelines necessary to accommodate data transmissions by a date certain, much like it did when it tasked the LMCC with the creation of the low power pool plan. Upon completion of the guidelines the FACs, through the auspices of the LMCC, can submit their proposal to the Commission for adoption – again mirroring the process used in the creation of the low power pool.

As an active member of the LMCC, ITA fully supports the LMCC's low power pool proposal, as well as the views expressed in the LMCC Reply Comments filed

⁸ Comments of Motorola, Inc. at 3-5 ("Motorola also recommends that the FCC modify 90.187 to provide a protected service area mechanism for mobile data operations."); Comments of UTC at 7-9 ("UTC urges the Commission to amend slightly its centralized trunking rules, § 90.187, to facilitate continuous-carrier mobile and fixed data systems meeting the same contour overlap and co-channel and adjacent-channel consent requirements."); Comments of Dataradio COR, Ltd. at 6-8 ("Dataradio respectfully suggests that the FCC should promulgate a means to allow data as primary on Group A channels.").

⁹ See Comments of the Land Mobile Communications Council at 9 ("LMCC is presently developing guidelines which could be incorporated into the Commission's Rules which would permit single channel PSA's, and LMCC will present that proposal to the Commission as soon as the work has been completed.").

herein today. ITA commends the Commission's efforts to create a low power pool and requests that the Commission act expeditiously in this proceeding to bring closure to a proposal initiated in 1997.

Respectfully submitted,

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Date: November 13, 2001

CERTIFICATE OF SERVICE

I, Jeremy Denton, do hereby certify that on the 13th day of November 2001, I forwarded to the parties listed below a copy of the foregoing Reply Comments of the Industrial Telecommunications Association via U.S. mail:

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